

Instructions to candidates

<https://etendering.ted.europa.eu/cft/cft-display.html?cftId=5068>

PROJECT IMPLEMENTATION CONSULTANT TO THE GREAT NORTH ROAD (T2) UPGRADE PROJECT

Reference number: AA-000679-001

Zambia

CONTRACT SPECIFICATION

1. Nature of contract

Fee-based

2. Contract description

The TA Operation supports the Road Development Agency (RDA) in the implementation of the “Great North Road (T2) Upgrade” project, consisting in the upgrade of about 372 km of the Great North Road (GNR) (T2) from Mpika to Nakonde in the Muchinga Province in North-Eastern Zambia, for which EIB signed its EUR 110m Finance Contract with the Government of the Republic of Zambia on 7 August 2018. The project is also co-financed i.a. by the Africa Investment Platform (AIP) through blending under the EU Regional Indicative Programme for Eastern and Southern Africa and Indian Ocean for 2014-2020 (RIP) with EIB as Lead Finance Institution.

The Mpika to Nakonde section of the Great North Road (T2) is part of the Regional Trunk Road Network (RTRN Link 15) as well as the North-South Corridor.

The present assignment covers the implementation support primarily for the Mpika to Chinsali road section that it starts at Mazingo Hotel (4 km from M001 Junction to Kasama) and ends shortly before the T2 intersection with the access road to the provincial Headquarters of Chinsali, i.e. a total length of 161.5 km. The Mpika to Chinsali road section has been the subject to several maintenance interventions. The most recent intervention was carried out in 2014. Generally, the scope of works included shoulder treatment, pothole patching, spot reconstruction and resealing of the road. However, the increased traffic volumes and growing size of vehicles call for a more robust upgrade including widening of the road platform and its shoulders in order to reduce the number of traffic accidents and to secure a sustainable maintenance condition for the entire road in the longer term. The existing road is generally in the range of 5.8 m to 6.1 m wide, single carriageway and with 1.5 m wide sealed shoulders. There are significant edge breaks with notable differences in height between the pavement layer of the road and the shoulders which reduce the original lane width and pose dangers to road users.

The Project consists of rehabilitation and widening of the existing road to 7.0 m with 2 m shoulders on either side and with only marginal changes in the alignment. There are no existing or new designed bridges on the Mpika to Chinsali section of the T2 road nor any portal culvert structures. The Project is expected to improve road safety on the rehabilitated sections and to contribute to poverty reduction in the area by promoting socio-economic development

The assignment will consist of the following tasks:

- Task 1. Provide assistance to RDA in managing the EIB loan and Grant Agreements.

- Task 2. Provide assistance with technical issues and managing of the procurement and contract administration of the EIB/EU funded works and service contracts.
- Task 3. Provide assistance to RDA in the implementation of the ESMP, SEP and RAP.
- Task 4. Provide assistance to RDA in the sensitization of project area inhabitants on communicable diseases, environmental protection and support of gender mainstreaming activities
- Task 5 Provide assistance to RDA in implementing a road safety education and awareness programs along the project alignment;

The assignment will be carried out by a multidisciplinary team of experts including 4 Key experts: 1) Team Leader, 2) Environmentalist, 3) Senior Social Development Specialist and 4) Senior Road Safety Expert.

The Services will be implemented in Zambia, primarily in Lusaka with regular site visits as required. The Consultant will be provided with office space within RDA's Project Implementation Team.

The intended commencement date is November 2019 and the period of implementation of the contract over an estimated period of 48 months

A separate Technical Assistance contract of EUR 1.1M for Technical, environmental and social audits will be launch concomitantly to the present TA operation. It will cover periodic independent audits covering the technical, environmental and social and project management aspects. The purpose of the two TA operations is to provide the necessary support for the implementation of the upgrade for the Mpika-Chinsali section of the GNR, to ensure completion on time, within budget and to the specified quality.

The two TA operations cannot be awarded to the same company.

3. Scope for additional services

The Contracting Authority may, at its own discretion and subject to the availability of funding, extend the scope and duration of the project to cover additional services.

Any extension of the contract would be subject to satisfactory performance by the Service Provider.

CONDITIONS OF PARTICIPATION

4. Eligibility

Participation is open to interested legal and natural persons - participating either individually or in a grouping (consortium) of candidates. Participation is also open to international organisations.

In order to comply with the EU Guidelines on the eligibility of Israeli entities for financial instruments funded by the EU from 2014, which stipulate that only Israeli entities having their place of establishment within Israel's pre-1967 borders and not operating in the Golan Heights, the Gaza Strip and the West Bank, including East Jerusalem, Applicants shall comply with the Commission Notice 2013/C 205/05 (OJEU C205 of 19.07.2013) and in particular with the eligibility conditions set out in the Sections C and D.

Conflict of interests

Other service contracts involving the PIU in connection with the "rehabilitation of the Great North Road (GNR) (T2) from Mpika to Nakonde" project may give rise to a conflicting situation that would negatively affect the performance of the current TA operation, in the sense that the professional judgement or actions required in relation to the tasks that the successful candidate will need to fulfil as part of this TA operation may be unduly influenced by the interests of the other assignments.

Whenever the EIB establishes the existence of such risk, the economic operator affected

by the potential conflict of interest will be not be eligible from participating in the related tender procedure.

This clauses applies to the forthcoming “Technical, environmental and social audits” service contract mentioned in section 2 above, and to any current or future assignments within the “rehabilitation of the Great North Road (GNR) (T2) from Mpika to Nakonde” project during the implementation period of the current TA operation.

5. Candidature

All eligible natural and legal persons (as per item 4 above) or groupings of such persons (consortia) may apply.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure. All members of a consortium (i.e., the leader and all other members) are jointly and severally liable to the Contracting Authority.

The participation of an ineligible natural or legal person will result in the automatic exclusion of that person. In particular, if that ineligible person belongs to a consortium, the whole consortium will be excluded.

6. Number of applications

No more than one application can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or member of a consortium submitting an application). In the event that a natural or legal person submits more than one application, all applications in which that person has participated will be excluded.

7. Shortlist alliances prohibited

Any tenders received from tenderers comprising firms other than those mentioned in the short-listed application forms will be excluded from this restricted tender procedure unless prior approval from the Contracting Authority has been obtained. Short-listed candidates **may not** form alliances or subcontract to each other for the contract in question.

8. Grounds for exclusion

As part of the application form, candidates must submit a signed declaration, included in the standard application form, to the effect that they are not in any of the exclusion situations stipulated under Article 57 of European Parliament and Council Directive 2014/24/EU.

Tenderers shall be excluded from this invitation to tender procedure if any of the mandatory exclusion grounds for rejection apply.

Tenderers may be excluded from this invitation to tender procedure if any of the discretionary grounds for exclusion apply.

9. Sub-contracting

Sub-contracting is allowed.

10. Number of candidates to be short-listed

On the basis of the applications received, between 5 and 8 candidates will be invited to submit detailed tenders for this contract. If the number of eligible candidates meeting the selection criteria is less than the minimum of 5, the Contracting Authority may invite the candidates who satisfy the criteria to submit a tender.

SELECTION AND AWARD CRITERIA

11. Selection criteria

The following selection criteria will be applied to candidates. In the case of applications submitted by a consortium, these selection criteria will be applied to the consortium as a whole unless specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors.

- 1) **Economic and financial capacity of the candidate** (based on item 3 of the application form). In case of candidate being a public body, equivalent information should be provided.

Legal persons:

- (a) The annual turnover of the candidate must be of at least EUR 2.000.000 for each of the last three years for which accounts have been closed (2016, 2017, 2018). ***Note to candidates:*** *In the application form, please make sure to include the actual year for which the data is provided.*

- 2) **Professional capacity of the candidate** (based on items 4 and 5 of the application form). The reference period which will be taken into account will be the last three years from submission deadline.

Legal persons:

- (a) The number of permanent staff of the candidate (individual company or consortium overall) currently working in fields related to this contract (road sector), must be at least 10 or each of the last three years (2016, 2017, 2018).

- (b) For each of the last three years (2016, 2017, 2018), at least 20% of the overall number of staff of the candidate (individual company or consortium overall) is permanent.

Note to candidates: *In the application form, please make sure to include the actual year for which the data is provided.*

- 3) **Technical capacity of the candidate** (based on items 5 and 6 of the application form).

Legal persons:

The candidate (individual company or consortium altogether) has successfully completed, at any time between 1st January 2015 up to the deadline of submission of applications, either a) alone, b) as leader of a consortium, or c) as a member of a consortium with a minimum participation of 50% of the project(s) brought as reference:

- a) at least 1 project of a minimum value of EUR 1,000,000 equivalent, with activities related to providing support to promoters (implementation agency, contracting authority, PIU, PMU or equivalent) in managing the implementation of transport infrastructure investment projects/programmes with a value of more than EUR 50 million, financed by International Financial Institutions, in sub-Saharan Africa.
- b) .at least 2 projects of a minimum value of EUR 1.000.000 equivalent each, with activities related to the supervision of paved roads construction or rehabilitation projects, with an investment value of more than EUR 30 million, in developing or emerging countries. At least one of the project should have been implemented in sub-Saharan Africa.
- c) at least 1 project of a minimum value of EUR 300.000 equivalent, with activities related to the design (preliminary design or detailed design) of paved road projects with a total investment value of more than EUR 30 million in developing or emerging countries.
- d) at least 1 project of a minimum value of EUR 200.000 equivalent, with activities including support to implementation of a Resettlement Action Plan.

Note to candidates:

A single reference may be used to fulfil one or more criteria.

For criteria 3.a), the candidate may refer to a part of a project/service contract which is not yet completed. In this case only the part that has been successfully completed will be taken into account for the evaluation. The dates of the part of the contract that has been completed, its value, and the tenderer's % contribution may be clearly identified and proven through adequate documentary evidence (such as certificates from the client or proof of payment of invoices).

For criteria 3.b, 3.c and 3.d, the projects must have been completed with final payment made or completion certificate issued by the client within the reference period.

The investment value of the projects, in EUR equivalent, should be clearly mentioned in the references.

Projects presented as references must consist of a single contract (and addenda). Its commencement date, completion, the amount of the project reference and the candidate's contribution must be clearly identified and proven through adequate documentary evidence (such as certificates from the beneficiary). Where the projects referenced have been implemented by consortia comprising two or more of the members now associated as a consortium for this tender procedure, their respective percentages shall be added together, in order for the application to be assessed on the basis of the consortium as a whole.

Previous experience which caused breach of contract and termination by a Contracting Authority shall not be used as reference.

With regard to criteria relating to economic and financial standing and to criteria relating to technical and professional ability, an economic operator could, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them.

If the tenderer relies on the capacities of other entities, it must, in that case, prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing a commitment (refer to the letter of undertaking template) on the part of those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility - notably that of nationality – and must fulfil the same relevant selection criteria as the economic operator. The contracting authority shall verify whether there are grounds for exclusion. The contracting authority shall require that the economic operator replaces an entity which does not meet a relevant selection criterion, or in respect of which there are compulsory grounds for exclusion. The contracting authority may require that the economic operator substitutes an entity in respect of which there are non-compulsory grounds for exclusion. With regard to educational and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the services for which these capacities are required. With regard to economic and financial criteria, the entities upon whose capacity the tenderer relies become jointly liable for the execution of the contract.

Referenced projects that are not strictly compliant with the above criteria will not be taken into account and should not be submitted.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be re-examined to identify the eight best candidates. The only factors which will be taken into consideration during this re-examination are:

- 1) The number of projects brought as references which comply with the requirements of criterion 3 (a).
- 2) In case of competition between two or more candidates having the same

number of compliant references as per the factors for re-examination 1 above, the sum of projects amounts (Fees) of references which comply with the requirements of criterion 3 (a) (only the participation of the candidate will be taken into account

12. Award criteria

Best price-quality ratio.

APPLICATION

13. Application format and details to be provided

Applications must be submitted using the standard application form (available at the following **EIB web page**: <http://www.eib.org/about/procurement/technical-assistance.htm> whose format and instructions must be strictly observed.

Any additional documentation (brochure, letter, etc.) sent with an application **will not be taken into consideration**.

14. How applications may be submitted

Applications must be submitted in English exclusively to the Contracting Authority:

- EITHER by **recorded delivery** (official postal service) to :

European Investment Bank (EIB)
Mrs Simona Bovha, Head of
SG/AS/Consultant Procurement Contract Management Division
100 boulevard Konrad Adenauer, L-2950 Luxembourg

- OR **hand delivered** (including courier services) to:

European Investment Bank (EIB)
Mrs Simona Bovha, Head of
SG/AS/Consultant Procurement Contract Management Division
100 boulevard Konrad Adenauer, L-2950 Luxembourg

The **Contract title** and the **Reference code** must be clearly marked on the envelope containing the application and must always be mentioned in all subsequent correspondence with the Contracting Authority.

Applications submitted by any other means will not be considered.

15. Alteration or withdrawal of applications

Candidates may alter or withdraw their applications by written notification prior to the deadline for submission of applications. No application may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Item 25. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

16. Additional information

Tenderers may submit questions in writing in the “questions and answers” through the TED eTendering platform at the following address:

<https://etendering.ted.europa.eu/cft/cft-display.html?cftId=5068>

The answers will be published in the same section, at the latest 6 calendar days before the deadline for submitting applications.

Request for clarifications submitted in writing in any other means (email, fax, mail) will not be answered.

17. Suspension

This tender procedure is launched with a “suspension clause”. This entails that the award of the contract is subject to the signature of a Cooperation Agreement between the Contracting Authority and the Promoter.

The candidates interested in participating in this tender procedure must be fully aware that in no event shall the Contracting Authority be liable for any damages whatsoever including, without limitation, damages for loss of profits/costs incurred by applicant in preparing and submitting his application, in any way connected with the cancellation of the tender procedure on the ground of the “suspension clause” even if the Contracting Authority has been advised of the possibility of damages.

As such, by submitting their application, the candidate accepts in full the use of the “suspension clause” in this tender procedure as well as its possible consequences.